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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,763	08/25/2003	Jeffrey Alan Silvermail	UDC-27001	4054
27774	7590	01/18/2005	EXAMINER	
MAYER, FORTKORT & WILLIAMS, PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090			TRAN, TAN N	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/648,763

Applicant(s)

SILVERNAIL, JEFFREY ALAN

Examiner

TAN N TRAN

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 4, 6, 8, 13, 14, 16 and 22-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9-12, 15, 17-19 and 21 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

*Minhloan Tran*  
**Minhloan Tran**  
**Primary Examiner**  
**Art Unit 2826**

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/04/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Election/Restriction**

1. Applicant's election with traverse of Species E, Fig. 6, claims 1-3,5,7,9-12,15,17-21 is acknowledge. The traversal is on the ground(s) that "a search and examination of the application can be made without serious burden". These are not found persuasive because referring to the restriction requirement set forth in the Office Action, it clearly shows that the search is not coextensive as evidenced by the different fields of search as cited in the previous restriction requirement. Thus, it is clear that the examination of all of the disclosed species would be an undue burden. The traversal is on the ground(s) that "claim 1 links inventions I and II, and that the restriction requirement among the linked inventions is subject to the non-allowance of the linking claim 1. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions should be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking will be entitled to examination in the instant application". These are not found persuasive because referring to the restriction requirement set forth in the Office Action, shown that the inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. Moverover, MPEP. 806.05(f) does not show any independent claim, so it clearly shows that the alternative method proposed by the examiner would be distinct from the process claimed. Applicant did not show the alternate method was incorrect. Additionally, the search is not coextensive as evidenced by the different fields of search for the process and product as cited in the previous restriction requirement. Futhermore, Applicant has not provided a convincing

argument that the materially different processes would not be suitable in producing the claimed device. Therefore, the election requirement is made final.

### **Claim Objections**

2. Claims 1,9 are objected to because of the following informalities:

In claim 1, line 5, "a radiation-curable, pressure-sensitive adhesive layer" should be changed to – a radiation-curing pressure-sensitive adhesive layer--

In claim 9, lines 1,2, "an ultraviolet-radiation-curable, pressure-sensitive adhesive layer" should be changed to – an ultraviolet-radiation-curing pressure-sensitive adhesive layer--

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3,5,7,9-12,15,17-19,21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (2003/0197197).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claims 1-3,5,7,9-12,19,21, Brown et al. discloses top-emitting flexible OLED device structure comprising: a first portion comprising a substrate 110 and an organic electronic device region (OLED) 116 disposed over the substrate 110; a second portion comprising a cover 120 and a single getter region 118 wherein the single getter region is provided on a surface of the cover 120; and an ultraviolet-radiation-curing pressure-sensitive adhesive layer 130 disposed between the first and second portions and adhering the first and second portions to one another wherein the adhesive layer 130 displays low out-gassing of harmful species and being disposed over the entire OLED 116 and at least a portion of the substrate 110. An organometallic compound layer 126 formed between the OLED 116 and the adhesive layer 130. (Note lines 1-6, paragraph 0015, page 1, figs. 3,4 of Brown et al.).

With regard to claims 15,17, Brown et al. disclose the substrate 110 and cover 120 are a composite substrate and cover having a polymer substrate sub-layer and at least two alternating pairs of high density sub-layers and planarizing sub-layers, which high-density sub-layers may be the same or different from each other and which planarizing sub-layers may be the same or different from each other. (Note lines 6-10, paragraph 0017, page 2, fig. 6 of Brown et al.).

With regard to claim 18, Brown et al. disclose the getter region 118 is attached to the cover 120 via an adhesive region 130. (Note fig. 4 of Brown et al.).

**Allowable Subject Matter**

4. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 is allowable over the prior art of record, because none of these references disclose or can be combined to yield the claimed invention such as the OLED device structure is at most 0.4 mm in thickness.

**Conclusion**

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Tan Tran whose telephone number is (571) 272-1923. The examiner can normally be reached on M-F 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TT

Jan 2005